



# City of Seattle

Mike McGinn, Mayor

## Seattle Human Rights Commission

Roslyn Solomon, Chair

From: Marvin Stern, Vice Chair, Seattle Human Rights Commission  
To: Mary Denzel, Assistant City Auditor  
Date: April 2, 2010  
Cc: Jacque Larrainzar, SOCR  
  
Subject: Final Review Draft for Follow-Up Audit of Seattle's Enforcement of Bias Crimes

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Mary:

Once again, thank you for the opportunity for the Seattle Human Rights Commission (SHRC) to review and comment on your draft report "Follow-Up Audit of Seattle's Enforcement of Bias Crimes." At its meeting on April 1, 2010 SHRC voted to accept the following comments and recommendations as representing SHRC:

- SHRC views SPD's implementation of more than half of the previous Audit's recommendations in a relatively short time as a very positive indication of the seriousness with which SPD and the City take hate crimes.
- SHRC agrees with your recommendation that the City should regularly publish a report on bias crimes.
- As mentioned in the Follow –Up Audit, according to SPD Policies and Procedures, Section 1.049A, formerly "the Bias Crime Coordinator [was] to coordinate the Department's efforts against 'hate crimes' by handling directly or coordinating the follow-up investigation on all malicious harassment cases. This unit [was to] **compile and report** on all hate crimes as required by state and federal statutes, and provide training **and information on hate crimes** to Department staff, other law enforcement agencies **and the general public.**" [Emphasis added].

Focusing on that mandate the question came up: why hasn't an annual report on bias crimes/incidents been a part of the responsibilities of the Bias Crimes Coordinator, which, as was discussed at our meeting on February 12, would eliminate the need for someone else to reach a significant level of familiarity with the data as well as the need to secure the data with another city department or employee. It was suggested that SPD feels their uniformed employees are too busy with mandatory (FBI) reporting and investigating cases to take the time to do the annual reporting being suggested. Apparently that led to the Bias Crimes Coordinator's mandate being changed to "...provide [ ] information and training on 'hate crimes' to the general public."

The fact is that compiling an annual bias crime report requires a broad and deep understanding of the issues involved; the best evidence of that is the obvious work required for your office's two audit reports. A volunteer commission without designated staff, like SHRC, and with confidentiality restrictions would not be able to produce such a report.

- With regard to the 2008 Audit's Recommendation 8, SHRC agrees with the Follow-Up Audit that publishing reports on hate crimes does not require the use of SPD resources, but it will require the use of some City resources (and of course SPD data). As in the earlier audit, and as we discussed when we met on February 12, the main problem continues to be insufficient resources.

The "simple" solution would be to increase SPD's resources to accomplish the task originally assigned to the Bias Crime Coordinator. [We are aware of the problem of how to navigate around SPD not wishing to include crimes under investigation that would be left out of an annual report and then have to be put back into the data later on.] Alternatively, since SPD is already gathering and analyzing data – through crime reports and investigations – having SOCR (or another city department - City Attorney?) utilize SPD's data and compile annual reports shouldn't be an enormous undertaking, again with sufficient staffing resources. In any case, once again SHRC agrees that a regular report should be published. The question is, if not SPD, who will compile and analyze the data and write the report?

- The posting of bias crimes data on SOCR/SHRC/LGBTQ websites should definitely be doable. This would significantly contribute to the goal of educating the public about hate crimes and would be entirely consistent with SHRC's Mission Statement to "promote human rights for the residents of Seattle and facilitate the prevention and elimination of discrimination."
- With regard to including data on bias incidents, while SHRC obviously has no desire to minimize the impact on their targets and the value of tracking the rise or fall of bias incidents, we are concerned about recommending creating a mechanism for the self-reporting of such incidents. Law enforcement is trained to identify the factors which make up a bias crime and distinguish a bias crime from a bias incident. Analysis of unfiltered reporting would likely require significant additional resources.
- **Recommendation:** In response to the 2008 Audit recommendation to increase coordination (2008 Recommendations 10 and 11), SHRC recommends that a "Joint Working Group" be established to maximize the resources already in place and make any necessary recommendations to the City Council about Bias Crime education, reporting and victim support. Included in such a Working Group initially would be SPD's Bias Crime Coordinator, SOCR staff, the City Attorney's and Auditor's Offices, representatives of the three Seattle Commissions, and the King County Prosecutor's office. While a Joint Working Group would not be the coordinator called for in the Audit, it could be a start in that direction. SHRC's Public Safety Taskforce is available to facilitate a first meeting towards that end.